

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PATRICK RODRIGUEZ,)
)
Petitioner,)
)
vs.) NO. CIV-23-1135-HE
)
CARRIE BRIDGES,)
)
Respondent.)

ORDER

Petitioner Patrick Rodriguez, appearing *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b)(1)(B),(C), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. On January 25, 2024, Judge Erwin issued a Report and Recommendation recommending the court either dismiss petitioner's petition for writ of habeas corpus as untimely with prejudice or abstain from adjudicating petitioner's petition for writ of habeas corpus under the Younger abstention doctrine and dismiss the petition without prejudice. Petitioner was advised of his right to object to the Report and Recommendation, and he has filed a timely objection.

Petitioner objects to the entire Report and Recommendation and requests that the Court stay proceedings until he has exhausted his state remedies, "including the newly discovered evidence of the Brady violation by the State." Objection [Doc. #8] at 1. Having reviewed the petition for habeas corpus, the Report and Recommendation, and petitioner's objections, the court concludes the Younger abstention doctrine applies in this case, and petitioner's petition should be dismissed without prejudice.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #5], **ABSTAINS** from adjudicating petitioner's petition for writ of habeas corpus, and **DISMISSES** the petition without prejudice.

IT IS SO ORDERED.

Dated this 18th day of March, 2024.


JOE HEATON
UNITED STATES DISTRICT JUDGE